

**FLOOD CONTROL ADVISORY BOARD
MINUTES
March 23, 2005**

Kent Cooper, Chairman called the meeting of the Flood Control Advisory Board (FCAB) to order at 2:00 p.m. on Wednesday, March 23, 2005.

Board Members Present: Kent Cooper, Chairman; Ray Acuna, Ex Officio; Melvin Martin; DeWayne Justice, Secretary; Scott Ward, Vice-Chairman; Tom Sands (for Paul Cherrington, Ex Officio).

Board Members Absent: Paul Cherrington, Ex Officio; Hemant Patel,

Staff Members Present: Tim Phillips, Acting Chief Engineer & General Manager; Julie Lemmon, General Counsel; Dick Perreault, CIP/Policy Manager; Russ Miracle, Division Manager, Planning and Project Management; Linda Reinbold, Administrative Coordinator; Don Rerick, Project Management Branch Manager; Amir Motamedi, Acting Regulatory Division Manager; Mike Wilson, Public Works Lands Division Manager; Afshin Ahouraiyan, Project Manager; Chuck Woosley, Contracts Branch Manager; Scott Vogel, Project Manager; Doug Williams, Planning Branch Manager; Doug Hauth, PIO; Tim Murphy, Flood Delineation Branch Manager; John Hathaway, Watercourse Area Planning Manager; Debbi Shortal, Intern; Greg Jones, Area Planning Manager; Raju Shah, Project Manager and BJ Johnston, Clerk of the Flood Control Advisory Board.

Guests Present: Michael Weinberg, DEA; Brian Fry, Dibble & Associates; Hasan Mushtaq, City of Phoenix; Melody Moss, City of Phoenix; Art Glover, City of Phoenix; Bob Eichinger, Kimley-Horn; Alex Menez, Kimberly-Horn; Jim Huling, City of Mesa; Jeff Ford, J2; Burke Lokey, Baker; Weu Chen, Baker; Cheryl Toy, MCDOT; Shane Dille, Town Manager, Town of Wickenburg, Lon McDermott, Town of Wickenburg..

1) APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 23, 2005.

ACTION: It was moved by Mr. Justice and seconded by Mr. Martin to approve the minutes as submitted. The motion carried unanimously.

2) VA SHYL'AY AKIMEL RESTORATION PROJECT; RESOLUTION FCD2005R006

This Resolution authorizes the District to enter into negotiations for an Intergovernmental Agreement with the City of Mesa. This IGA will be for the District to reimburse the City of Mesa for a portion of the local cost share of the preconstruction engineering design of the Va Shyl'ay Restoration Project. The presentation was made by John Hathaway, P.E., Watercourse Area Planning Manager.

ACTION: It was moved by Mr. Martin and seconded by Mr. Justice to approve the staff recommendations as submitted. The motion carried unanimously.

3) WICKENBURG DOWNTOWN FLOODING HAZARD MITIGATION PROJECT, RESOLUTION FCD2005R005

Greg Jones, P.E., Area Planning Manager, presented Resolution FCD2005R008 for developing and negotiating IGA(s) for the cost sharing, design, construction, construction management, rights-of-way acquisition, operation and maintenance for the Wickenburg Downtown Flooding Hazard Mitigation Project.

Martin: What is the timing on this project? When will the new bridge and highway be put in?

Jones: Mr. Chairman, Members of the Board, we are working closely with ADOT. We are actually trying to marry the two projects. If we can show ADOT that we are moving forward with the Town of Wickenburg, they will delay their project long enough to allow these projects to be build coincidental.

Justice: Can I see the slide where the levee is shown? Now, in relationship to that, where are the properties that are going to be purchased?

Jones: As a part of the ADOT project?

Justice: Aren't there 122 properties that are going to be purchased?

Jones: No sir. There are 122 properties that are going to be taken out of the floodplain when the projects are completed.

Justice: So, that is going to save them. All the flooding goes out of Sols Wash and up to the Hassayampa River.

Jones: The water flows east and gets ponded behind Tegner Road and breaks over. Then it sheet flows across the residential area to the Hassayampa River. Conversely, when the Hassayampa floods, the water flows west.

Justice: There isn't any major flooding that comes down and is going to be trapped in that pocket between Sols Wash and the Hassayampa River?

Jones: In this particular area, we will have to take care of interior drainage. ADOT is actually proposing to purchase three homes. We will end up using those areas along to put in a basin to take care of that issue.

Sands: Greg, could you talk about ADOT's plans both with this project and what they would do without the project?

Jones: ADOT's plan with the project is pretty much what you have seen here, what I have described. Without the project, ADOT would propose putting in box culverts for the length of the roadway embankment. This would allow flood waters to flow in both directions. It would not provide protection to either side. If ADOT did a solid embankment, what would happen is that the water would overtop Tegner Road in this area, pond behind the new

roadway embankment, and be directed south towards Sols Wash causing significant rise in the water level causing an adverse impact.

Justice: What is your timing if this project is approved? How soon do you think the District and ADOT could get together and begin construction?

Jones: We are actually trying to do this on an accelerated path; typically we come before the Board a couple of times before we actually get to this point. So we are looking at getting our designs done within the next year and a half. We are moving as quick as we can. ADOT's plan is to begin building the bridge in approximately a year and a half. That will take approximately a year to construct. This will allow us to catch up with our design and our project so that when they are building the embankment we are out there constructing our project. .

Cooper: I think there are some comments on this accelerated schedule.

Phillips: Mr. Chairman, Members of the Board, let me alibi that by saying that by accelerated schedule we are talking about being able to go to construction in a year and a half to two years. So we will have the design by ADOT, the design by us on Sols Wash, and have any land acquisition done in a year and a half, which is certainly faster than our typical schedules.

Justice: We weren't being critical of being slow; a year and a half is pretty impressive.

Phillips: Excuse me if I am a bit defensive.

Justice: Yes, we've been saying the District needs to move on these things and this is obviously a situation where you are moving real fast. If we are going to do this project, to not coordinate it with ADOT would be absolutely ludicrous.

Phillips: This certainly ends up being a win-win opportunity for us to do Sols Wash with the Town at the same time that ADOT is doing improvements. There are some savings to transportation by not having to put culverts underneath. Those dollars can potentially used for Sols Wash project. It is really a good opportunity. ADOT has had to bend their schedule a bit and we have had to accelerate ours in order to get the two to meet at the same time.

Martin: Is Wickenburg cost sharing with us?

Jones: The intent is that Wickenburg will cost share 50/50 with funds supplemented by ADOT. Their negotiations are not yet complete.

Phillips: In fact, Shane Dille, Town Manager, and Lon McDermott, are here representing the Town of Wickenburg, if you would like to ask them any questions.

Cooper: Shane, it's a long drive down here. Is there anything you would like to say?

McDermott: Actually, we think it is quite worth while and we appreciate your time and effort on this. As was said, I am the former Mayor of the Town of Wickenburg. An opportunity like this is not ever going to come along where ADOT is building this bypass to a 100 year flood protection on the Hassayampa and the potential of getting the Sols Wash work done at the same time, will take the entire downtown area and about 122 homes out of the floodplain. ADOT is prepared to go ahead without the Sols Wash project if we are unable to put it together. But they are also prepared to wait up to a year if we can put it together. There is approximately \$1 million worth of costs that ADOT would have to put into their project for these box culverts in their embankment that we all feel would be much better spent on the Sols Wash project. However, they are prepared to go ahead if we are unable to put this together. We appreciate your consideration of this project and we also see it as a win-win situation.

Dille: I echo what Mr. McDermott has said in regards to this project. I also feel that it is an opportunity that we cannot afford to miss. As you are aware, the cost share issue is something that needs to be addressed. The Town is anticipating what we can do within our budgetary means but also looking very closely at our income matches. We are spearheading public meetings to make sure that we do what we can to minimize cost, working with the public to help with easements and right-of-way costs associated with the project. So, cooperatively with the District staff, we are going to try to find every avenue we can in terms of cost share for this project. It is certainly one that we cannot afford to miss out on. We would be happy to answer any questions. We really appreciate your time in addressing this matter.

Ward: Mr. Chairman, I work in the real estate industry and have talked to a couple of brokers who work on the west side of the valley. They have said that Wickenburg is right on the radar screen of growth, as we are seeing Grand Avenue blossom, and development is going to happen in the next five years. In your opinion, are we doing an adequate job? Is there more that we should put on our radar screen to look at? Because, I am being informed that the Town is going to be inundated with projects and growth into that community over the next couple of years.

McDermott: I don't think there is any doubt of that. As far as what the Flood Control District has been looking at and could look at, I think they are doing a wonderful job. And if we can get this project in place at the same time ADOT's is in place, I think that will take care of us for some time.

Dille: In addition to that, over the course of this past year we have put into place certain drainage controls that have been in place in the past regarding retention and things like that. Developers now instead of being able to show that they are not really increasing the peak capacity of a wash by dumping into the wash, we are now holding them to "you have to provide onsite retention for whatever waters fall on your development". We are trying to address the growth as well. I appreciate the work of Russ Miracle and Greg Jones for helping us. I can't say enough about the work the Flood Control District has done.

ACTION: It was moved by Mr. Justice and seconded by Mr. Martin to approve the item as submitted. The motion carried unanimously.

4) LOOP 303 CORRIDOR/WHITE TANKS AREA DRAINAGE MASTER PLAN UPDATE, RESOLUTION FCD2005R007

Greg Jones, P.E., Area Planning Manager, presented Resolution FCD2005R007 for the updating of the Loop 303 Corridor/White Tanks Area Drainage Master Plan.

Ward: Mr. Chairman, I must abstain from this vote.

Martin: I will have to abstain from this vote also.

ACTION: It was moved by Mr. Justice and seconded by Mr. Acuna to approve the item as submitted. The motion carried with two abstentions.

5) 10TH STREET WASH IMPROVEMENTS – ALICE AVENUE TO ARIZONA CANAL DIVERSION CHANNEL (ACDC), IGA FCD2005A001

IGA FCD2005A001 with the City of Phoenix was presented by Raju Shah, P.E., Project Manager. This IGA is for the design, rights-of-way acquisition, utility relocation, 404 permit, construction, construction management and operation and maintenance of the 10th Street Wash Improvements, Alice Ave. to ACDC.

Martin: Who put that wash in to start with?

Shah: Mr. Chairman, Members of the Board, it is an existing wash which was not man made. It was not constructed by the City or the District.

Martin: It's an awful straight line for a wash that wasn't constructed.

Shah: That's true.

Martin: I think, no disrespect to the City, but I don't think they have done the maintenance on their wash.

Acuna: That is a tough one. I can see why. We have over 75 miles of washes and with the unusual rains we have had over the last couple of months; it has been difficult to keep up. Don Rerick and I started building this project about 10 years ago. This was the final element of what we recommended. At the time there wasn't a community consensus on the final piece. We felt that we could build about 90% of the flood control project and took about 800 properties out of the floodplain. I am very grateful to Tim and the District staff for coming back and finishing this project. Most of the folks who live in this area are not high income people. We ask people to get sandbags and protect their homes; these are people who can't lift sandbags. So this is a project that is going to keep a lot of our citizens from having to go get sandbags to protect their homes. As far as a natural wash, there aren't very many natural washes in the City of Phoenix, but this one is still considered a wash by our definition.

ACTION: It was moved by Mr. Martin and seconded by Mr. Ward to approve the item as submitted. The motion carried unanimously.

6) 9TH AVENUE STORM DRAIN – PEORIA AVENUE TO ARIZONA CANAL DIVERSION CHANNEL (ACDC), RESOLUTION FCD2005A001

Resolution FCD2005R001 for defining the District's participation in the 9th Ave. Storm Drain project, from Peoria Ave. to the ACDC was presented by Raju Shah, P.E., Project Manager.

Mr. Ward commented on his familiarity with the area and the flooding issues.

Mr. Martin abstained from voting.

ACTION: It was moved by Mr. Sands and seconded by Mr. Justice to approve the item as submitted. The motion carried with one abstention.

7) COMMENTS FROM THE CHIEF ENGINEER AND GENERAL MANAGER.

Phillips: Mr. Chairman, Members of the Board, I have asked Julie Lemmon to give an update on the bills in the Legislature that the District has been working on.

Lemmon: Mr. Chairman, Members of the Board, just briefly, Senate Bill 1318 is the Flood Control District's bill. We drafted it to try to clarify some of the questions that have come up in some of the enforcement cases, particularly the sand and gravel operations. We have tried to clarify the statutory language and the legislature has so far approved the bill, it is out of the Senate and will be heard next Tuesday in the House Natural Resources Committee, which is John Nelson's committee. He was one of our co-sponsors for which we are grateful. We anticipate that it will continue on successfully and be signed by the Governor, hopefully before we see you again next month if the budget crises don't keep derailing all the other bills. That is important. At this point there doesn't seem to be anything harmful to us in the Legislature. We did lose the erosion hazard zone additional enforcement provisions that we had tried to put into SB 1318 but we have a commitment from the rock products industry that they would be happy to keep talking with us regarding this issue. We intend to take them up on that.

Phillips: One other thing, at next month's meeting we will do a group picture for our annual report.

8) SUMMARY OF RECENT ACTIONS BY THE BOARD OF DIRECTORS

9) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC

Ward: Tim, about two weeks ago there was a picture and an article in the paper about the Tres Rios project. It talked about how there was recharging effluent from the 91st Ave. WTP waste water treatment plant and how that was combined to create a wetlands project, second to none. I don't know if you saw the article. In the future, could we look at that because I thought it was tremendous, a combination of wastewater and flood control in creating a

habitat with fishing and birds. I didn't get a chance to go out there but the people putting on the project were showing it off and I would just like to learn more about it.

Phillips: Certainly. In fact, Mr. Chairman, Mr. Ward, those are the sort of things, where there is water in the basin or in the area, whether it is effluent or ground water, we look to utilize that as part of the projects to bring about an enhancement. The El Rio project, as a whole, is going to take advantage of those types of enhancements recognizing that we have a flood control authorization not a restoration or environmental mission. Where there is opportunity to take advantage of that type of situation when building a project that is what we try to do.

The meeting was adjourned at 2:53pm